

CASE NO. _____

[illegible]

Filed 6/10/2022 4:32 PM
Bobbye Christophe
District Cler
Polk County, Texas

CAUSE NO. CIV22-0366

Bobbye Christopher, Deput

BERKLEY JACKSON

Plaintiff,

v.

**PATRICK ALLEN MCCORMICK
TRUE GRIT TRANSPORTATION, INC**

Defendant.

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IN THE DISTRICT COURT

POLK COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff Berkley Jackson (hereinafter, "Plaintiff") complains of Defendant Patrick Allen McCormick (hereinafter, "Defendant"), and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and occurred in Polk County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary.

Parties

4. Plaintiff Berkley Jackson is an individual residing in Fort Bend County, Texas.

5. Defendant, True Grit Transportation Inc. (Hereinafter, "Defendant True Grit") is a Domestic For-Profit Corporation doing business in Polk County, Texas. Defendant True Grit may be served with process through its registered agent, Registered Joshua Adam Christian at 2724 East Renfro Street, Burleson Texas 76028, or wherever found.

6. Defendant Patrick Allen McCormick is an individual residing in Rogers County, Texas. Defendant may be served at his residence at 29516 S 4230 Rd, Inola, OK, 74036, or at 443954 E 340 Rd Vinita, OK 74301 or wherever he may be found.

Facts

7. This lawsuit is necessary as a result of the personal injuries that Plaintiff suffered on or about April 30, 2022. At that time, Plaintiff was traveling by car North bound on US 59 in Polk County, Texas. Defendant was also traveling North bound on US 59 in the left lane in Polk County, Texas directly behind Plaintiff's vehicle. Defendant failed to control his vehicles speed and maintain a single lane, subsequently crossing into Plaintiff's lane and colliding with the left side of Plaintiff's vehicle. As a result of Defendant's negligence and/or negligence *per se*, Plaintiff suffered serious and permanent injuries.

8. Defendants' aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a) Failing to control the vehicle's speed;
- b) Failed to timely apply his brakes
- c) Failed to yield right-of-way;
- d) Failing to operate the vehicle safely;
- e) Failing to turn the vehicle in an effort to avoid a collision;
- f) Failing to maintain a proper lookout in order to avoid a collision;

- g) Failing to maintain a safe distance;
- h) Failing to make a proper lane change;
- i) Violating applicable, local, state, and federal laws and/or regulations; and
- j) Other acts so deemed negligent.

9. Defendant Patrick was driving a vehicle owned by Defendant True Grit. At all times material hereto, Defendant Patrick, was operating the vehicle in the course and scope of his employment with Defendant True Grit. As such, Defendant True Grit, is vicariously liable for Defendant Patrick's negligent acts and omissions under the doctrine of *respondent superior*. Plaintiff further plead Defendant True Grit was negligent and/or negligent *per se* for one or more of the following reasons:

- a. Negligently entrusted a motor vehicle to an incompetent driver;
- b. Negligently hired and/or retained employees;
- c. Negligently trained and/or supervised employees;
- d. Failed to maintain the vehicle in a reasonably safe condition;
- e. Violated applicable, local, state and federal laws and/or regulations;
- f. Other acts so deemed negligent.

10. As a result of these acts or omissions, Plaintiff claims all damages recognizable by law.

Damages

11. By virtue of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;

e. Past lost wages and future loss of earning capacity.

12. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

Duty to Disclose

13. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendant must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

Initial Disclosures

14. Pursuant to Rule 194, Tex. R. Civ. P., Defendant must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in Defendant's initial disclosure at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendant's response.

Rule 193.7 Notice

15. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

Prayer

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which he may be justly entitled.

Respectfully submitted,

DASPIT LAW FIRM

/s/Kiernan McAlpine

Kiernan McAlpine

Texas State Bar No. 24058519

440 Louisiana St., Suite 1400

Houston, Texas 77002

Telephone: (713) 588-0383

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

ATTORNEY FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kimberly Argueta on behalf of Kiernan McAlpine
 Bar No. 24058519
 kargueta@daspitlaw.com
 Envelope ID: 65503917
 Status as of 6/17/2022 4:34 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jaime Holder		jholder@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
Alma Lira		Alira@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
Zorica Milivojevic		Zorica@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
Kiernan McAlpine		kier@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
DLF Intake		intake@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
Daspit Proactive Legal		daspit@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
John Daspit		e-service@daspitlaw.com	6/16/2022 11:09:07 AM	SENT

CITATION - Personal Service - TRC 99

THE STATE OF TEXAS

COUNTY OF POLK

CAUSE NO. CIV22-0366

TO: PATRICK ALLEN MCCORMICK, 29516 S. 4230 Rd., Inola, OK 74036, OR 443954 E 340 Rd, Vinita, OK, 74301, OR WHEREVER HE MAY BE FOUND

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 A.M. On the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Court:	411th District Court
Cause No.:	CIV22-0366
Date of Filing:	06/10/2022
Document:	Plaintiff's Original Petition
Parties in Suit:	Berkley Jackson ; True Grit Transportation, Inc ; Patrick Allen McCormick
Clerk:	Bobbie Christopher, District Clerk 101 W. Mill St., Suite 216, Livingston TX 77351
Party or Party's Attorney:	Kiernan McAlpine Daspit Law Firm 440 Louisiana Suite 1400 Houston Tx 77002 713-223-4878 SBN: 24058519



Issued under my hand and seal of this said court on this the 21st day of June, 2022

Bobbie Christopher, District Clerk
Livingston, Polk County, Texas

BY: Angela Ainsworth, Deputy
Angela Ainsworth

Service Return

Came to hand on the ____ day of _____, 20____, at _____ M., and executed on the ____ day of _____, 20____, at _____ M by delivering to the within named _____ in person a true copy of this citation, with attached copy(ies) of the _____

☐ Not executed. The diligence use in finding defendant being _____

☐ Information received as to the whereabouts of defendant being _____

Service Fee: \$	Sheriff/Constable County, Texas
Service ID No.	Deputy/Authorized Person

VERIFICATION

On this day personally appeared _____ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit and have been authorized by the Polk County Courts to serve process.

Subscribed and sworn to before me on this the ____ day of _____, 20____

_____, Notary Public

** Service by Rule 106 TRC if directed by attached Court Order

CITATION - Personal Services TRC 09

THE STATE OF TEXAS

CAUSE NO. CIV22-0366

COUNTY OF POLK

TO: TRUE GRIT TRANSPORTATION, INC., MAY BE SERVED WITH PROCESS THROUGH ITS REGISTERD AGENT JOSHUA ADAM CHRISTIAN, 2724 EAST RENFRO STREET, BURLESON TEXAS 76028, OR WHEREVER HE MAY BE FOUND.

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 A.M. On the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Court:	411th District Court
Cause No.:	CIV22-0366
Date of Filing:	06/10/2022
Document:	Plaintiff's Original Petition
Parties in Suit:	Berkley Jackson ; True Grit Transportation, Inc.; Patrick Allen McCormick
Clerk:	Bobbie Christopher, District Clerk 101 W. Mill St., Suite 216, Livingston TX 77351
Party or Party's Attorney:	Kiernan Mcalpine Daspit Law Firm 440 Louisiana Suite 1400 Houston Tx 77002 713-223-4878 SBN: 24058519

Issued under my hand and seal of this said court on this the 21st day of June, 2022

Bobbie Christopher, District Clerk
Livingston, Polk County, Texas

BY: Angela Ainsworth, Deputy
Angela Ainsworth

Service Return

Came to hand on the ____ day of _____, 20__, at ____ M., and executed on the ____ day of _____, 20__, at ____ M by delivering to the within named _____ in person a true copy of this citation, with attached copy(ies) of the _____

[] Not executed. The diligence use in finding defendant being _____

[] Information received as to the whereabouts of defendant being _____

Service Fee: \$	Sheriff/Constable County, Texas
Service ID No.	Deputy/Authorized Person

VERIFICATION

On this day personally appeared _____ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit and have been authorized by the Polk County Courts to serve process.

Subscribed and sworn to before me on this the ____ day of _____, 20__

Notary Public

** Service by Rule 106 TRC if directed by attached Court Order

AFFIDAVIT OF SERVICE

Bobbie Christopher, Deputy

State of Texas

County of POLK

411th District Court

Case Number: CIV22-0366

Plaintiff:
BERKLEY JACKSON

vs.

Defendant:
PATRICK ALLEN MCCORMICK , TRUE GRIT TRANSPORTATION, INC.

For:
**PROACTIVE LEGAL SOLUTIONS
440 BENMAR DRIVE #1200
HOUSTON, TX 77060**

Received by **MARGIE L DUNCKEL** on the 22nd day of June, 2022 at 1:51 pm to be served on **BY SERVING THE CORPORATE SECRETARY RENEE KALE, 2724 EAST RENFRO STREET, BURLESON, JOHNSON County, TX 76028.**

I, **MARGIE L DUNCKEL**, being duly sworn, depose and say that on the **30th day of June, 2022 at 3:50 pm,**

INDIVIDUALLY/PERSONALLY delivered a true copy of the **CITATION WITH PLAINTIFF'S ORIGINAL PETITION** with the date of service endorsed thereon by me, to: **BY SERVING THE CORPORATE SECRETARY RENEE KALE** at the address of: **2724 EAST RENFRO STREET, BURLESON, JOHNSON County, TX 76028**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

State of Texas
County of Johnson

Subscribed and Sworn to before me on the 30th day of June, 2022 by the affiant who is personally known to me.

[Signature]
NOTARY PUBLIC



[Signature]
MARGIE L DUNCKEL
PSC#10126 EXP 1/31/2023

**PROACTIVE LEGAL SOLUTIONS
440 BENMAR DRIVE #1200
HOUSTON, TX 77060
(832) 209-7760**

Our Job Serial Number: TIN-2022000429

CAUSE NO. CIV22-0366

Gina Moore, Deputy

BERKLEY JACKSON

Plaintiff,

v.

**PATRICK ALLEN MCCORMICK
TRUE GRIT TRANSPORTATION, INC**

Defendant.

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IN THE DISTRICT COURT

POLK COUNTY, TEXAS

411TH JUDICIAL DISTRICT

PLAINTIFF'S FIRST AMENDED PETITION

Plaintiff Berkley Jackson (hereinafter, "Plaintiff") complains of Defendant Patrick Allen McCormick (hereinafter, "Defendant"), and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and occurred in Polk County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary.

Parties

4. Plaintiff Berkley Jackson is an individual residing in Fort Bend County, Texas.

5. Defendant, True Grit Transportation Inc. (Hereinafter, "Defendant True Grit") is a Domestic For-Profit Corporation doing business in Polk County, Texas. Defendant True Grit may be served with process by serving any member, agent, or officer at 29516 S 4230 Rd, Inola, Oklahoma 74036.

6. Defendant Patrick Allen McCormick is an individual residing in Rogers County, Texas. Defendant may be served at his residence at 29516 S 4230 Rd, Inola, OK, 74036, or at 443954 E 340 Rd Vinita, OK 74301 or wherever he may be found.

7. Defendant CP and C Services Inc. ("CP and P") is a business entity doing business in Polk County, Texas. Defendant CP and C Services Inc. may be served with process by serving any officer, member, or director at 443954 E 340 Rd, Vinita, OK 74301.

Facts

8. This lawsuit is necessary as a result of the personal injuries that Plaintiff suffered on or about April 30, 2022. At that time, Plaintiff was traveling by car North bound on US 59 in Polk County, Texas. Defendant was also traveling North bound on US 59 in the left lane in Polk County, Texas directly behind Plaintiff's vehicle. Defendant failed to control his vehicles speed and maintain a single lane, subsequently crossing into Plaintiff's lane and colliding with the left side of Plaintiff's vehicle. As a result of Defendant's negligence and/or negligence *per se*, Plaintiff suffered serious and permanent injuries.

9. Defendants' aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a) Failing to control the vehicle's speed;
- b) Failed to timely apply his brakes
- c) Failed to yield right-of-way;
- d) Failing to operate the vehicle safely;

- e) Failing to turn the vehicle in an effort to avoid a collision;
- f) Failing to maintain a proper lookout in order to avoid a collision;
- g) Failing to maintain a safe distance;
- h) Failing to make a proper lane change;
- i) Violating applicable, local, state, and federal laws and/or regulations; and
- j) Other acts so deemed negligent.

10. Defendant Patrick was driving a vehicle owned by Defendant True Grit. At all times material hereto, Defendant Patrick, was operating the vehicle in the course and scope of his employment with Defendant True Grit. As such, Defendant True Grit, is vicariously liable for Defendant Patrick's negligent acts and omissions under the doctrine of *respondent superior*. Plaintiff further plead Defendant True Grit was negligent and/or negligent *per se* for one or more of the following reasons:

- a. Negligently entrusted a motor vehicle to an incompetent driver;
- b. Negligently hired and/or retained employees;
- c. Negligently trained and/or supervised employees;
- d. Failed to maintain the vehicle in a reasonably safe condition;
- e. Violated applicable, local, state and federal laws and/or regulations;
- f. Other acts so deemed negligent.

11. As a result of these acts or omissions, Plaintiff claims all damages recognizable by law.

Damages

12. By virtue of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;

- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;
- e. Past lost wages and future loss of earning capacity.

13. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

Duty to Disclose

14. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendant must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

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Rule 193.7 Notice

16. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

Prayer

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in

excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which he may be justly entitled.

Respectfully submitted,

DASPIT LAW FIRM

/s/Kiernan McAlpine

Kiernan McAlpine

Texas State Bar No. 24058519

440 Louisiana St., Suite 1400

Houston, Texas 77002

Telephone: (713) 588-0383

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

ATTORNEY FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Zorica Milivojevic on behalf of Kiernan McAlpine
 Bar No. 24058519
 zorica@daspitlaw.com
 Envelope ID: 66168191
 Status as of 7/11/2022 10:29 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Alma Lira		Alira@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
Daspit Proactive Legal		daspit@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
Kiernan McAlpine		kier@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Zorica Milivojevic		Zorica@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Jaime Holder		jholder@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
John Daspit		e-service@daspitlaw.com	7/9/2022 12:54:16 PM	SENT



July 7, 2022

Bobbie Christopher, District Clerk
411th District Court
101 W. Mill St., Suite 216
Livingston, TX 77351
VIA USPS Priority Mail Tracking 9410 8036 9930 0151 2387 98

RE: Cause No. CIV22-0366

Ms. Christopher,

Please accept this letter as a written answer to the petition filed against True Grit Transportation, Inc. The attorney that filed this case has been notified twice that **True Grit Transportation has been wrongly named** in this lawsuit. I called their office on June 30, 2022 and left a message for someone to call me back. No reply to that call. Also sent an email on June 30, 2022. ALL Case Contacts were included in the email. Again, no reply. After still no response from Kiernan Mcalpine of Daspit Law Firm, another email was sent today at 1:25PM. This email included the information of the parties that were actually involved in the accident on April 30, 2022. I also sent the law firm the Certified Texas Peace Officer's Crash Report (TxDOT Crash ID 18890803.1/ 2022205864). The crash report clearly states that the Carrier was CP&C Services Inc, 443954 E. 340 Rd., Vinita, OK. 74301. SAFER information for USDOT 1620458 is attached.

Also relayed to Daspit Law Firm was that the truck driver named (Patrick Allen McCormick) in the lawsuit and on the crash report does not and has never been a driver for True Grit Transportation, Inc. The law firm was also advised that we do not own, nor do we have a 1997 Kenworth in our fleet. All of our trucks have ELD's with tracking devices. I have checked the locations of every truck for April 30, 2022. We did not have a truck in the area of the accident on April 30, 2022.

The Claim Adjuster with Greatwest Casualty is William Jackson 817-385-2690. The claim number is R77611L. This is the insurance information for CP&C Services. If the plaintiff, Berkley Jackson, would like to hold someone responsible, please have them contact the correct party. True Grit Transportation, Inc is not the correct party. We had absolutely nothing to do with this. Please release True Grit Transportation, Inc from this lawsuit. We would also appreciate something in writing stating that we have been released. I have requested that twice from Daspit Law Firm and again, no response.

Respectfully,

A handwritten signature in black ink, appearing to read 'Renee Kale', written in a cursive style.

Renee Kale,
Office Manager

True Grit Transportation, Inc. 2724 East Renfro Street, Burleson, TX 76028

Office 682-708-5847 Fax 682-708-5848

Email: renee@truegritinc.com

CC: Kiernan Mcalpine
Daspit Law Firm
440 Louisiana
Suite 1400
Houston, TX 77002
VIA USPS Priority Mail Tracking 9410 8036 9930 0151 2388 04

Attachments: Email thread reflecting notifications to Daspit Law Firm
Certified Texas Peace Officer's Crash Report (TxDOT Crash ID 18890803.1/ 2022205864)
SAFER Web – Company Snapshot for CP&C Services Inc.
Copy of Cause No. CIV22-0366

Renee Kale

From: Renee Kale
Sent: Wednesday, July 6, 2022 1:25 PM
To: e-service@daspitlaw.com; kier@daspitlaw.com; jholder@proactivelegal.com; Alira@proactivelegal.com; Zorica@daspitlaw.com; intake@daspitlaw.com; daspit@proactivelegal.com
Cc: photos@gwccnet.com
Subject: Cause No. CIV22-0366 Berkley Jackson v. Patrick Allen McCormick, True Grit Transportation, Inc.
Attachments: Patrick McCormick Crash Report 4-30-22.pdf

Kiernan Mcalpine and Associates (Daspit Law Firm).

Below is an email to the actual claim adjuster for the accident that **True Grit Transportation is wrongly named in** The Texas Peace Officer's Crash Report ID# 18890803.1/ 2022205864 is attached. It clearly names

CP and C Services Inc , 443954 E. 340 Rd, Vinita. OK 74301 as the Carrier. Please also be advised that True Grit does not own nor have a 1997 Kenworth in the fleet. Your work has been done for you as far as locating the

Correct party to name in your lawsuit. The email below to William that shows (claim#) R77611L in the subject line is the Claims Adjuster with Greatwest Casualty. This is the company you probably want to contact.

This is my SECOND REQUEST for written notification that True Grit Transportation, Inc has been removed from the law suit.

Notes. Called the agent on the police report- came up to Goodman Baker Insurance agency 660-747-5156. The policy is for CP&C Services Inc in Vinita OK. The claim has been turned into Greatwest Casualty. Claim adjuster is William Jackson 817-385-2690. Claim is R77611L. email is photos@gwccnet.com.

Respectfully,

Renee Kale

True Grit Transportation, Inc.

(682) 708 5847



From: Lisa Ramos <lr@mcanallywilkins.com>
Sent: Wednesday, July 6, 2022 12:19 PM
To: photos@gwccnet.com
Cc: Renee Kale <renee@truegritinc.com>
Subject: R77611L

William

I was able to track down your information from the police report by going to the Goodman Baker Insurance Agency. Sarah gave me the claim information.

As you can see, my customer, True Grit, has been wrongly named in this lawsuit and Renee Kale is attempting to get the plaintiff's to remove True Grit from this action without having to file this with their insurance.

Can you please contact the plaintiff's attorney and let them know you have this claim and True Grit is not the correct motor carrier and it is CP&C Services Inc?

Regards,

Lisa Ramos

Client Service Manager

McAnally Wilkins, Inc.

PO Box 60810

Midland, TX 79711

Phone 432-685-9365

MW Claims -432-685-9397

Cell 817-909-0036 primary

Email: lr@mcanalywilkins.com

Fax- 855-928-0909



Coverage is not considered bound or altered unless confirmed in writing. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and delete this e-mail from your system. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail or act in reliance thereupon, and any such action is strictly prohibited.

From: Renee Kale <renee@truegritinc.com>

Sent: Thursday, June 30, 2022 5:24 PM

To: e-service@daspitlaw.com; kier@daspitlaw.com; jholder@proactivelegal.com; Alira@proactivelegal.com;

Zorica@daspitlaw.com; intake@daspitlaw.com; daspit@proactivelegal.com

Cc: 258court@co.polk.tx.us

Subject: Cause No. CIV22-0366 Berkley Jackson v. Patrick Allen McCormick, True Grit Transportation, Inc.

This correspondence is to notify you that the True Grit Transportation, Inc. named in this law suit is not the correct True Grit. We do not, nor have we ever had a driver named Patrick Allen McCormick.

We did not have a truck traveling North bound on US59 in Polk County, TX on April 30, 2022. We did not have trucks in that area. I confirmed this by checking the tracker on each truck.

I called your office today at 3:50pm and left a message advising of this mistake and asked that someone call me back. No one has returned my call.

Your office was notified by the Process Server that you have named the wrong True Grit in this law suit. You were advised that there are other True Grit (trucking companies) in TX and that we do not and have never had a driver by the name of Patrick Allen McCormick.

Please remove our company from this law suit and please notify me in writing that this has been corrected.

I have also copied the Polk County, TX Court Coordinator on this email.

Respectfully,

Renee Kalò
True Grit Transportation, Inc.
(682) 708-5847





125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

Wed, 06 July 2022

STATE OF TEXAS §

This is to certify that I, George Villarreal, am employed by the Texas Department of Transportation (Department); that I am the Custodian of Motor Vehicle Crash Records for such Department; that the attached is a true and correct copy of the peace officer's report filed with the Department referred to in the attached request with the crash date of Sat, 30 April 2022, which occurred in Polk County; that the investigations of motor vehicle crashes by peace officers are authorized by law; that this Texas Peace Officer's Crash Report is required by law to be completed and filed with this Department; that this report sets forth matters observed pursuant to duty imposed by law as to which matters there was a duty to report, or factual findings resulting from an investigation made pursuant to authority granted by law.

George Villarreal, D.E.

George Villarreal
Deputy Director
Traffic Safety Division
125 East 11th Street
Austin, Texas 78701



OUR VALUES: People • Accountability • Trust • Honesty
OUR MISSION: Connecting you With Texas

An Equal Opportunity Employer

Law Enforcement and TxDOT Use ONLY

☐ FATAL ☒ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Total Num. Units	3	Total Num. Press	2	TxDOT CrashID	18890803.1 / 2022205864
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Texas Peace Officer's Crash Report (Form CR-3 1/1/2018)

Mail to: Texas Department of Transportation, Crash Data and Analysis, P.O. Box 149349, Austin, TX 78714. Questions? Call 844/274-7457

Refer to Attached Code Sheet for Numbered Fields

*These fields are required on all additional sheets submitted for this crash (ex: additional vehicles, occupants, injured, etc.)

Page 1 of 4

*Crash Date (MM/DD/YYYY) 04/30/2022		*Crash Time (24HRMM) 1647		Case ID		Local Use																																																							
*County Name POLK				*City Name		<input checked="" type="checkbox"/> Outside City Limit																																																							
In your opinion, did this crash result in at least \$1,000 damage to any one person's property?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Latitude (decimal degrees) 30° 08' 33" 60		Longitude (decimal degrees) 094° 08' 33" 16																																																							
ROAD ON WHICH CRASH OCCURRED																																																													
*1 Rwy Sys. US		*Hwy. 59		2 Rwy Part 1		3 Street Prefix																																																							
4 Street Suffix		*Street Name		5 Street		6 Street																																																							
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot		<input type="checkbox"/> Toll Road/Toll Lane		Speed Limit 60		Const Zone <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																							
Workers Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Street Desc		7 Body Style		8 Pol. Fire, EMS on Emergency (Explain in Narrative if checked)																																																							
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER																																																													
Al <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rwy Sys. CR		Hwy Num		2 Rwy Part 1																																																							
3 Street Prefix		Street Name BIG MAN		4 Street Suffix RD		5 Street																																																							
Distance from Int or Ref Marker 180		<input checked="" type="checkbox"/> FT <input type="checkbox"/> MI		3 Dir. from Int or Ref. Marker N		Reference Marker																																																							
Street Desc.		RRX Num		LP Num 38Y852		VIN 1XKWD B9X3VJ745521																																																							
Unit Num 1		5 Unit Desc 1		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State OK																																																							
Veh Year 1997		6 Veh. Color BLK		Veh. Make KENWORTH		Veh. Model UNKNOWN																																																							
7 Body Style TT		8 DL/D Type 2		DL/D State OK		DL/D Num G004640536																																																							
9 DL Class 98		10 CDL End 96		11 DL Rest 98		12 DL (MM/DD/YYYY) 03/24/1971																																																							
Address (Street, City, State, ZIP) 29516 S 4230 RD INOLA, OK 74036																																																													
<table border="1"> <thead> <tr> <th>Person Num.</th> <th>12 Prsn. Type</th> <th>13 Seat Position</th> <th>Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line</th> <th>14 Injury Severity</th> <th>Age</th> <th>15 Ethnicity</th> <th>16 Sex</th> <th>17 Eject</th> <th>18 Restr.</th> <th>19 Airbag</th> <th>20 Helmet</th> <th>21 Sol.</th> <th>22 Alc. Spec.</th> <th>23 Alc. Result</th> <th>24 Drug Spec.</th> <th>25 Drug Result</th> <th>26 Drug Category</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1</td> <td>1</td> <td>MCCORMICK, PATRICK ALLEN</td> <td>N</td> <td>51</td> <td>W</td> <td>1</td> <td>1</td> <td>1</td> <td>97</td> <td>97</td> <td>N</td> <td>96</td> <td></td> <td>96</td> <td>97</td> <td>97</td> </tr> <tr> <td colspan="18">Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.</td> </tr> </tbody> </table>								Person Num.	12 Prsn. Type	13 Seat Position	Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line	14 Injury Severity	Age	15 Ethnicity	16 Sex	17 Eject	18 Restr.	19 Airbag	20 Helmet	21 Sol.	22 Alc. Spec.	23 Alc. Result	24 Drug Spec.	25 Drug Result	26 Drug Category	1	1	1	MCCORMICK, PATRICK ALLEN	N	51	W	1	1	1	97	97	N	96		96	97	97	Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.																	
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<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee Owner/Lessee Name & Address MCCORMICK, PATRICK ALLEN, 443954 E 340 RD VINITA, OK 74301																																																													
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		26 Fin. Resp. Type 2		Fin. Resp. Name ACORD																																																							
Fin. Resp. Phone Num 660-747-5156		27 Vehicle Damage Rating 1		1		27 Vehicle Damage Rating 2																																																							
Towed By		Towed To		Vehicle Invented <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																									
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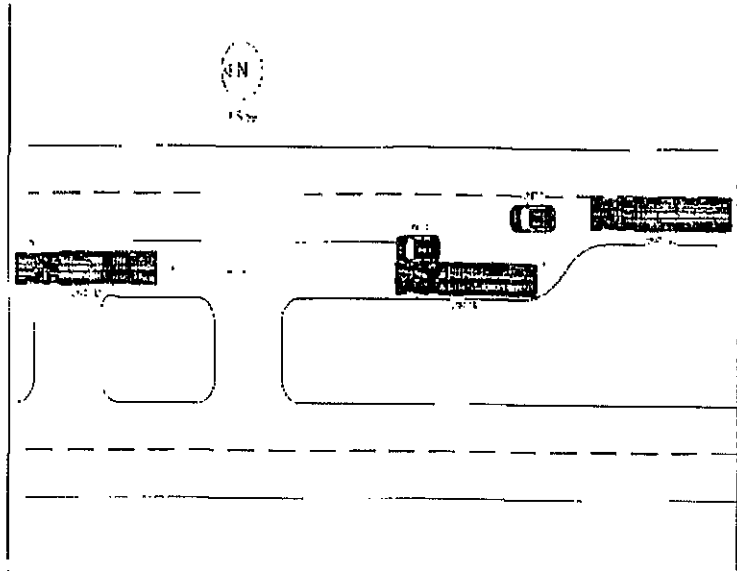
DISPOSITION OF INJURED/KILLED	Unit Num	Prsn Num	Taken To	Taken By	Date of Death (MM/DD/YYYY)	Time of Death (24HR MM)

CHARGES	Unit Num	Prsn Num	Charge	Citation/Reference Num.
	1	1	FAIL TO CONTROL SPEED	TX6AOK9TMAM7

DAMAGE	Damaged Property Other Than Vehicles	Owner's Name	Owner's Address

Unit Num 1	<input checked="" type="checkbox"/> 10,001+ lbs	<input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL	<input type="checkbox"/> 9+ CAPACITY	CMV Disabling Damage? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	28 Veh Oper 2	29 Carrier ID Type 1	Carrier ID Num 01620458		
Carrier's Corp Name CP AND C SERVICES INC	Carrier's Primary Addr 443954 E 340 RD VINITA, OK 74301						30 Veh Type 9		
31 Bus Type 0	<input checked="" type="checkbox"/> RGWW	<input type="checkbox"/> GVWR 8000	HazMat Release? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	32 HazMat Class Num	HazMat ID Num	32 HazMat Class Num	HazMat ID Num	33 Cargo Body Type 5	
Unit Num 2	<input checked="" type="checkbox"/> RGWW	<input type="checkbox"/> GVWR	34 Trlr Type 2	CMV Disabling Damage? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Num	<input type="checkbox"/> RGWW	<input type="checkbox"/> GVWR	34 Trlr Type	CMV Disabling Damage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Sequence Of Events	35 Seq 1 10	35 Seq 2 13	35 Seq 3	35 Seq 4	Intermodal Shipping Container Permit <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Actual Gross Weight	Total Num. Axles		

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				37 Vehicle Defects (Investigator's Opinion)				Environmental and Roadway Conditions							
	Unit #	Contributing	May Have Contrib	Contributing	May Have Contrib	38 Weather Cond	39 Light Cond	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control				
1	22					1	1	97	2	1	1	17				

NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary)	Field Diagram - Not to Scale
	Unit 1, towing Unit 2 was traveling N on US 59 in the left lane. Unit 3 was traveling N on US 59 in front of Unit 1. Unit 3 was slowing to enter into the turning lane approaching a cross over. The driver of Unit 1 stated that Unit 3 suddenly slowed down to get into the turning lane. Unit 1 failed to control its speed. Unit 1 entered into the turning lane to avoid collision as Unit 3 attempted to move into the turning lane. Unit 1 and Unit 3 made contact in the turning lane causing RD damage to Unit 1 and LD damage to Unit 3. All Units stopped in the turning lane.	

Copy from Custodial File

INVESTIGATOR	Time Notified (24HR MM)	2 6 4 7	How Notified POLK COUNTY DISPATCH	Time Arrived (24HRMM)	1 6 5 3	Report Date (MM/DD/YYYY) 05/05/2022
	Invest <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Investigator Name (Printed) WILKERSON, JOHNNY	ID Num 14686			
	ORI Num.	*Agency DEPARTMENT OF PUBLIC SAFETY, STATE OF TEXAS	Service/Region/DA H P 2 B 0 4			

How to document and TxDOT use ONLY

☐ FATAL ☒ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Total Num. Units	3	Total Num. Prisms	2	TxDOT Crash ID	18890803.1 / 2022205864
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Texas Peace Officer's Crash Report (Form CR-3 1/1/2018)

Mail to: Texas Department of Transportation, Crash Data and Analysis, P O Box 149349, Austin, TX 78714 Questions? Call 844/274-7457

Refer to Attached Code Sheet for Numbered Fields

*These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured, etc.)

Page 3 of 4

Crash Date (MM/DD/YYYY) 04/30/2022		Crash Time (24-HRMM) 1647		Case ID		Local Use	
County Name POLK				City Name		<input checked="" type="checkbox"/> Outside City Limit	
In your opinion, did this crash result in at least \$1,000 damage to any one person's property?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Latitude (decimal degrees) 30° 08' 33.6" N		Longitude (decimal degrees) 094° 08' 33.6" W	
ROAD ON WHICH CRASH OCCURRED							
1 Rwy. US		2 Rwy. Part		3 Street Prefix		4 Street Suffix	
1 Hwy Num. 59		2 Hwy Num. 1		3 Street Name		4 Street Suffix	
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot		<input type="checkbox"/> Toll Road/Toll Lane		Speed Limit 60		Const. Zone <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/> Workers Present		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Street Desc.			
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER							
At Int <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rwy. CR		2 Rwy. Part		3 Street Prefix	
1 Hwy Num.		2 Hwy Num.		3 Street Name		4 Street Suffix	
Distance from Int or Ref. Marker 180		<input checked="" type="checkbox"/> F I <input type="checkbox"/> M I		3 Dir. from Int or Ref. Marker N		Reference Marker	
Street Desc.		RRX Num.					
VEHICLE, DRIVER, & PERSONS							
Unit Num. 3		5 Unit Desc. 1		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State TX	
Veh. Year 2009		6 Veh. Color BLK		Veh. Make JAGUAR		Veh. Model XJR	
8 DLID Type 1		DLID State TX		DLID Num. 01052167		9 DL Class C	
10 CDL End 96		11 DL Rest A		DOB (MM/DD/YYYY) 07/22/1972			
Address (Street, City, State, ZIP) 1714 SAN JACINTO AVE RICHMOND, TX 77469							
Person Num. 1		12 Psn. Type 1		13 Seat Position		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line	
14 Injury Severity N		Age 49		15 Ethnicity B		16 Sex 1	
17 Eject 1		18 Restr. 1		19 Airbag 1		20 Helmet 97	
21 Sol. N		22 Alc. Spec. 96		23 Drug Spec. 96		24 Drug Result 97	
25 Drug Category 97							
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit							
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee		Owner/Lessee Name & Address DARRELL, DARRELL, 1714 FAIR ST LUFKIN, TX 75904					
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		26 Fin. Resp. Type 2		Fin. Resp. Name SAFE AUTO		Fin. Resp. Num. TX00321529	
Fin. Resp. Phone Num. 800-723-3288		27 Vehicle Damage Rating 1 1 1 - L D - 3		27 Vehicle Damage Rating 2		Vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Towed By CLIFTON WRECKER		Towed To 1161 W 2ND ST CORRIGAN, TX 75939					
VEHICLE, DRIVER, & PERSONS							
Unit Num.		5 Unit Desc.		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State	
Veh. Year		6 Veh. Color		Veh. Make		Veh. Model	
7 Body Style				8 DLID Type		DLID State	
DLID Num.		9 DL Class		10 CDL End		11 DL Rest	
DOB (MM/DD/YYYY)							
Address (Street, City, State, ZIP)							
Person Num.		12 Psn. Type		13 Seat Position		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line	
14 Injury Severity		Age		15 Ethnicity		16 Sex	
17 Eject		18 Restr.		19 Airbag		20 Helmet	
21 Sol.		22 Alc. Spec.		23 Drug Spec.		24 Drug Result	
25 Drug Category							
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit							
<input type="checkbox"/> Owner <input type="checkbox"/> Lessee		Owner/Lessee Name & Address					
Proof of Fin. Resp. <input type="checkbox"/> Yes <input type="checkbox"/> No		26 Fin. Resp. Type		Fin. Resp. Name		Fin. Resp. Num.	
Fin. Resp. Phone Num.		27 Vehicle Damage Rating 1		27 Vehicle Damage Rating 2		Vehicle <input type="checkbox"/> Yes <input type="checkbox"/> No	
Towed By		Towed To					

Copy from Custodial File

Copy from Custodial File

7/6/22, 8:13 PM

SAFER Web - Company Snapshot C P & C SERVICES INC

☒ USDOT Number
 ☐ VC/MX Number
 ☐ Name
 Enter Value: 1620458

Company Snapshot

C P & C SERVICES INC
USDOT Number: 1620458

ID/Operations | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained [online](#) or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's [DataQs](#) system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance than what is captured in the Company Snapshot. To obtain a CSP please visit the [CSP order page](#) or call (800)832-5660 or (703)283-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to [SAFER General Help](#).

The information below reflects the content of the FMCSA management information systems as of 07/05/2022.

To find out if this entity has a pending insurance cancellation, please [click here](#).

Other Information for this Carrier

- ▼ [SMS Results](#)
- ▼ [Licensing & Insurance](#)

Entity Type:	CARRIER																																
Operating Status:	AUTHORIZED FOR Property	Out of Service Date:	None																														
Legal Name:	C P & C SERVICES INC																																
DBA Name:																																	
Physical Address:	443954 E 340 RD VINITA, OK 74301																																
Phone:	+918) 497-6606																																
Mailing Address:	443954 E 340 RD VINITA, OK 74301																																
USDOT Number:	1620458	State Carrier ID Number:																															
MC/MX/FF Number(s):	MC-598552	DUNS Number:	-																														
Power Units:	8	Drivers:	10																														
MCS-150 Form Date:	01/12/2022	MCS-150 Mileage (Year):	796,405 (2021)																														
Operation Classification:																																	
<table border="0"> <tr> <td>* Auth. For Hire</td> <td>Priv. Pass (Non-Business)</td> <td>State Gov't</td> </tr> <tr> <td>Exempt For Hire</td> <td>Migrant</td> <td>Local Gov't</td> </tr> <tr> <td>Private (Property)</td> <td>U.S. Mail</td> <td>Indian Nation</td> </tr> <tr> <td>Priv. Pass (Business)</td> <td>Fed. Gov't</td> <td></td> </tr> </table>				* Auth. For Hire	Priv. Pass (Non-Business)	State Gov't	Exempt For Hire	Migrant	Local Gov't	Private (Property)	U.S. Mail	Indian Nation	Priv. Pass (Business)	Fed. Gov't																			
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Priv. Pass (Business)	Fed. Gov't																																
Carrier Operation:																																	
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* Interstate	Intrastate Only (FM)	Intrastate Only (Non-FM)																															
Cargo Carried:																																	
<table border="0"> <tr> <td>* General Freight</td> <td>Liquids/Gases</td> <td>Chemicals</td> </tr> <tr> <td>Household Goods</td> <td>Intermodal Cont.</td> <td>Commodities Dry Bulk</td> </tr> <tr> <td>* Metal sheets, coils, rolls</td> <td>Passengers</td> <td>Refrigerated Food</td> </tr> <tr> <td>Motor Vehicles</td> <td>* Oilfield Equipment</td> <td>Beverages</td> </tr> <tr> <td>* Drive/Tow away</td> <td>Livestock</td> <td>Grain Products</td> </tr> <tr> <td>Logs, Poles, Beams, Lumber</td> <td>Grain, Feed, Hay</td> <td>Alcohol</td> </tr> <tr> <td>Building Materials</td> <td>Coal/Coke</td> <td>Agriculture/Farm Supplies</td> </tr> <tr> <td>Mobile Homes</td> <td>Meat</td> <td>* Construction</td> </tr> <tr> <td>* Machinery, Large Objects</td> <td>Garbage/Refuse</td> <td>Water Well</td> </tr> <tr> <td>Fresh Produce</td> <td>US Mail</td> <td></td> </tr> </table>				* General Freight	Liquids/Gases	Chemicals	Household Goods	Intermodal Cont.	Commodities Dry Bulk	* Metal sheets, coils, rolls	Passengers	Refrigerated Food	Motor Vehicles	* Oilfield Equipment	Beverages	* Drive/Tow away	Livestock	Grain Products	Logs, Poles, Beams, Lumber	Grain, Feed, Hay	Alcohol	Building Materials	Coal/Coke	Agriculture/Farm Supplies	Mobile Homes	Meat	* Construction	* Machinery, Large Objects	Garbage/Refuse	Water Well	Fresh Produce	US Mail	
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Fresh Produce	US Mail																																

ID/Operations | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

US Inspection results for 24 months prior to: 07/05/2022

Total Inspections: 27

Total IEP Inspections: 0

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to [Inspections Help](#) for further information.

Inspections				
Inspection Type	Vehicle	Driver	Hazmat	IEP
Inspections	27	27	0	0
Out of Service	2	0	0	0
Out of Service %	9.5%	0%	%	0%

7/16/22, 5:13 PM

SAFER Web - Company Snapshot: C P & C SERVICES INC

Nat. Average % as of DATE 06/24/2022*	21.48%	6.11%	4.65%	N/A
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*OOS rates calculated based on the most recent 24 months of inspection data per the latest monthly SAFER Snapshot

Crashes reported to FMCSA by states for 24 months prior to: 07/05/2022

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility

Crashes				
Type	Fatal	Injury	Tow	Total
Crashes	0	0	2	2

ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating

Canadian Inspection results for 24 months prior to: 07/05/2022

Total Inspections: 0

Note: Total inspections may be less than the sum of vehicle and driver inspections. Go to [Inspections Help](#) for further information

Inspections		
Inspection Type	Vehicle	Driver
Inspections	0	0
Out of Service	0	0
Out of Service %	0%	0%

Crashes results for 24 months prior to: 07/05/2022

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility

Crashes				
Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating

The FMCSA safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce

Carrier Safety Rating:

The rating below is current as of: 07/05/2022

Review Information:

Rating Date	08/02/2016	Review Date	07/17/2017
Rating	Satisfactory	Type	Compliance Review



SAFER Web - Conditions | Primary Rate | USA | Canada | Mexico | International | DOT | A | Compliance | CIO Profile | Web Services and Contact Us | Help

Federal Motor Carrier Safety Administration

120 New Jersey Avenue, SE, Washington, DC 20020 | 1-800-455-9595 | FAX: 1-800-675-8330 | www.fmcsa.gov

CITATION - Personal Service - TRC-02

THE STATE OF TEXAS

CAUSE NO. CIV22-0366

COUNTY OF POLK

TO: TRUE GRIT TRANSPORTATION, INC., MAY BE SERVED WITH PROCESS THROUGH ITS REGISTERD AGENT JOSHUA ADAM CHRISTIAN, 2724 EAST RENFRO STREET, BURLESON TEXAS 76028, OR WHEREVER HE MAY BE FOUND.

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 A.M. On the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Court:	411th District Court
Cause No.:	CIV22-0366
Date of Filing:	06/10/2022
Document:	Plaintiff's Original Petition
Parties in Suit:	Berkley Jackson ; True Grit Transportation, Inc.; Patrick Allen McCormick
Clerk:	Bobbie Christopher, District Clerk 101 W. Mill St., Suite 216, Livingston TX 77351
Party or Party's Attorney:	Kiernan McAlpine Daspit Law Firm 440 Louisiana Suite 1400 Houston Tx 77002 713-223-4878 SBN: 24058519



Issued under my hand and seal of this said court on this the 21st day of June, 2022

Bobbie Christopher, District Clerk
Livingston, Polk County, Texas

BY: Angela Ainsworth, Deputy
Angela Ainsworth

Service Return

Came to hand on the ____ day of _____, 20____, at _____ M., and executed on the ____ day of _____, 20____, at _____ M by delivering to the within named _____ in person a true copy of this citation, with attached copy(ies) of the _____

- ☐ Not executed. The diligence use in finding defendant being _____
☐ Information received as to the whereabouts of defendant being _____

Service Fee: \$	Sheriff/Constable County, Texas
Service ID No.	Deputy/Authorized Person

VERIFICATION

On this day personally appeared _____ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit and have been authorized by the Polk County Courts to serve process.

Subscribed and sworn to before me on this the ____ day of _____, 20____

** Service by Rule 106 TRC if directed by attached Court Order

Notary Public

Filed 6/10/2022 4:32 PM
Bobbie Christophe
District Clerk
Polk County, Texas

Bobbie Christopher, Deputy

CAUSE NO. CIV22-0366

BERKLEY JACKSON

Plaintiff,

v.

PATRICK ALLEN MCCORMICK
TRUE GRIT TRANSPORTATION, INC

Defendant.

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IN THE DISTRICT COURT

POLK COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff Berkley Jackson (hereinafter, "Plaintiff") complains of Defendant Patrick Allen McCormick (hereinafter, "Defendant"), and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and occurred in Polk County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary.

Parties

4. Plaintiff Berkley Jackson is an individual residing in Fort Bend County, Texas.

5. Defendant, True Grit Transportation Inc. (Hereinafter, "Defendant True Grit") is a Domestic For-Profit Corporation doing business in Polk County, Texas. Defendant True Grit may be served with process through its registered agent, Registered Joshua Adam Christian at 2724 East Renfro Street, Burleson Texas 76028, or wherever found.

6. Defendant Patrick Allen McCormick is an individual residing in Rogers County, Texas. Defendant may be served at his residence at 29516 S 4230 Rd, Inola, OK, 74036, or at 443954 E 340 Rd Vinita, OK 74301 or wherever he may be found.

Facts

7. This lawsuit is necessary as a result of the personal injuries that Plaintiff suffered on or about April 30, 2022. At that time, Plaintiff was traveling by car North bound on US 59 in Polk County, Texas. Defendant was also traveling North bound on US 59 in the left lane in Polk County, Texas directly behind Plaintiff's vehicle. Defendant failed to control his vehicles speed and maintain a single lane, subsequently crossing into Plaintiff's lane and colliding with the left side of Plaintiff's vehicle. As a result of Defendant's negligence and/or negligence *per se*, Plaintiff suffered serious and permanent injuries.

8. Defendants' aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a) Failing to control the vehicle's speed;
- b) Failed to timely apply his brakes
- c) Failed to yield right-of-way;
- d) Failing to operate the vehicle safely;
- e) Failing to turn the vehicle in an effort to avoid a collision;
- f) Failing to maintain a proper lookout in order to avoid a collision;

- g) Failing to maintain a safe distance;
- h) Failing to make a proper lane change;
- i) Violating applicable, local, state, and federal laws and/or regulations; and
- j) Other acts so deemed negligent.

9. Defendant Patrick was driving a vehicle owned by Defendant True Grit. At all times material hereto, Defendant Patrick, was operating the vehicle in the course and scope of his employment with Defendant True Grit. As such, Defendant True Grit, is vicariously liable for Defendant Patrick's negligent acts and omissions under the doctrine of *respondent superior*. Plaintiff further plead Defendant True Grit was negligent and/or negligent *per se* for one or more of the following reasons:

- a. Negligently entrusted a motor vehicle to an incompetent driver;
- b. Negligently hired and/or retained employees;
- c. Negligently trained and/or supervised employees;
- d. Failed to maintain the vehicle in a reasonably safe condition;
- e. Violated applicable, local, state and federal laws and/or regulations;
- f. Other acts so deemed negligent.

10. As a result of these acts or omissions, Plaintiff claims all damages recognizable by law.

Damages

11. By virtue of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;

e. Past lost wages and future loss of earning capacity.

12. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

Duty to Disclose

13. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendant must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

Initial Disclosures

14. Pursuant to Rule 194, Tex. R. Civ. P., Defendant must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in Defendant's initial disclosure at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendant's response.

Rule 193.7 Notice

15. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

Prayer

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which he may be justly entitled.

Respectfully submitted,

DASPIT LAW FIRM

/s/Kiernan McAlpine

Kiernan McAlpine

Texas State Bar No. 24058519

440 Louisiana St., Suite 1400

Houston, Texas 77002

Telephone: (713) 588-0383

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

ATTORNEY FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kimberly Argueta on behalf of Kiernan McAlpine
 Bar No. 24058519
 kargueta@daspitlaw.com
 Envelope ID: 65503917
 Status as of 6/17/2022 4:34 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Intake Holder		jholder@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
Alma Lira		Alira@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
Zorica Milivojevic		Zorica@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
Kiernan McAlpine		kier@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
DLF Intake		intake@daspitlaw.com	6/16/2022 11:09:07 AM	SENT
Daspit Proactive Legal		daspit@proactivelegal.com	6/16/2022 11:09:07 AM	SENT
John Daspit		e-service@daspitlaw.com	6/16/2022 11:09:07 AM	SENT

CAUSE NO. CIV22-0366

Gina Moore, Deputy

BERKLEY JACKSON

Plaintiff,

v.

**PATRICK ALLEN MCCORMICK
TRUE GRIT TRANSPORTATION, INC**

Defendant.

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IN THE DISTRICT COURT

POLK COUNTY, TEXAS

411TH JUDICIAL DISTRICT

PLAINTIFF'S FIRST AMENDED PETITION

Plaintiff Berkley Jackson (hereinafter, "Plaintiff") complains of Defendant Patrick Allen McCormick (hereinafter, "Defendant"), and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and occurred in Polk County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary.

Parties

4. Plaintiff Berkley Jackson is an individual residing in Fort Bend County, Texas.

5. Defendant, True Grit Transportation Inc. (Hereinafter, "Defendant True Grit") is a Domestic For-Profit Corporation doing business in Polk County, Texas. Defendant True Grit may be served with process by serving any member, agent, or officer at 29516 S 4230 Rd, Inola, Oklahoma 74036.

6. Defendant Patrick Allen McCormick is an individual residing in Rogers County, Texas. Defendant may be served at his residence at 29516 S 4230 Rd, Inola, OK, 74036, or at 443954 E 340 Rd Vinita, OK 74301 or wherever he may be found.

7. Defendant CP and C Services Inc. ("CP and P") is a business entity doing business in Polk County, Texas. Defendant CP and C Services Inc. may be served with process by serving any officer, member, or director at 443954 E 340 Rd, Vinita, OK 74301.

Facts

8. This lawsuit is necessary as a result of the personal injuries that Plaintiff suffered on or about April 30, 2022. At that time, Plaintiff was traveling by car North bound on US 59 in Polk County, Texas. Defendant was also traveling North bound on US 59 in the left lane in Polk County, Texas directly behind Plaintiff's vehicle. Defendant failed to control his vehicles speed and maintain a single lane, subsequently crossing into Plaintiff's lane and colliding with the left side of Plaintiff's vehicle. As a result of Defendant's negligence and/or negligence *per se*, Plaintiff suffered serious and permanent injuries.

9. Defendants' aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a) Failing to control the vehicle's speed;
- b) Failed to timely apply his brakes
- c) Failed to yield right-of-way;
- d) Failing to operate the vehicle safely;

- e) Failing to turn the vehicle in an effort to avoid a collision;
- f) Failing to maintain a proper lookout in order to avoid a collision;
- g) Failing to maintain a safe distance;
- h) Failing to make a proper lane change;
- i) Violating applicable, local, state, and federal laws and/or regulations; and
- j) Other acts so deemed negligent.

10. Defendant Patrick was driving a vehicle owned by Defendant True Grit. At all times material hereto, Defendant Patrick, was operating the vehicle in the course and scope of his employment with Defendant True Grit. As such, Defendant True Grit, is vicariously liable for Defendant Patrick's negligent acts and omissions under the doctrine of *respondent superior*. Plaintiff further plead Defendant True Grit was negligent and/or negligent *per se* for one or more of the following reasons:

- a. Negligently entrusted a motor vehicle to an incompetent driver;
- b. Negligently hired and/or retained employees;
- c. Negligently trained and/or supervised employees;
- d. Failed to maintain the vehicle in a reasonably safe condition;
- e. Violated applicable, local, state and federal laws and/or regulations;
- f. Other acts so deemed negligent.

11. As a result of these acts or omissions, Plaintiff claims all damages recognizable by law.

Damages

12. By virtue of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;

- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;
- e. Past lost wages and future loss of earning capacity.

13. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

Duty to Disclose

14. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendant must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

Initial Disclosures

15. Pursuant to Rule 194, Tex. R. Civ. P., Defendant must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in Defendant's initial disclosure at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendant's response.

Rule 193.7 Notice

16. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

Prayer

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in

excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which he may be justly entitled.

Respectfully submitted,

DASPIT LAW FIRM

/s/Kiernan McAlpine

Kiernan McAlpine

Texas State Bar No. 24058519

440 Louisiana St., Suite 1400

Houston, Texas 77002

Telephone: (713) 588-0383

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

ATTORNEY FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Zorica Milivojevic on behalf of Kiernan McAlpine
 Bar No. 24058519
 zorica@daspitlaw.com
 Envelope ID: 66168191
 Status as of 7/11/2022 10:29 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Alma Lira		Alira@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
Daspit Proactive Legal		daspit@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
Kiernan McAlpine		kier@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Zorica Milivojevic		Zorica@daspitlaw.com	7/9/2022 12:54:16 PM	SENT
Jaime Holder		jholder@proactivelegal.com	7/9/2022 12:54:16 PM	SENT
John Daspit		e-service@daspitlaw.com	7/9/2022 12:54:16 PM	SENT

OFFICIAL RECEIPT



Polk County District Clerk's Office
 101 W. Mill Suite 216
 Livingston, Texas 77351
 936-327-6814

Payor
 Ramey, Chandler, Quinn & Zito P.C.

Receipt No.
2022-05418-DC

Transaction Date
 07/18/2022

Description	Amount Paid
Miscellaneous Payment	
Miscellaneous Fee Schedule	15.00
SUBTOTAL	15.00
PAYMENT TOTAL	15.00

Check (Ref #36058) Tendered	15.00
Total Tendered	15.00
Change	0.00

Copies in CIV 22-0366

07/18/2022
 08:34 AM

Cashier
 Station COUNTERKW

Audit
 980686

OFFICIAL RECEIPT

THE STATE OF TEXAS

COUNTY OF POLK

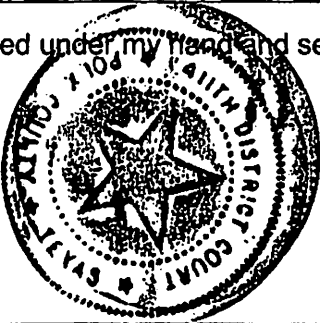
CAUSE NO. CIV22-0366

TO: CP AND C SERVICES INC., 443954 E 340 RD., VINITA, OK 74301

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 A.M. On the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Court:	411th District Court
Cause No.:	CIV22-0366
Date of Filing:	07/06/2022
Document:	Plaintiff's First Amended Petition
Parties in Suit:	BERKLEY JACKSON ; True Grit Transportation, Inc.; Patrick Allen McCormick ; Cp And C Services Inc.
Clerk:	Bobbye Christopher, District Clerk 101 W. Mill St., Suite 216, Livingston TX 77351
Party or Party's Attorney:	Kiernan Mcalpine Daspit Law Firm 440 Louisiana Suite 1400 Houston TX 77002 713-223-4878 SBN: 24058519

Issued under my hand and seal of this said court on this the 11th day of July, 2022



Bobbye Christopher, District Clerk
Livingston, Polk County, Texas

BY: Angela Ainsworth, Deputy
Angela Ainsworth

Service Return

Came to hand on the 19th day of July, 2022, at PM M., and executed on the 25th day of July, 2022, at P M by delivering to the within named Patrick McCormick, Authorized Agent for CP and C Services, Inc. in person a true copy of this citation, with attached copy(ies) of the Citation and Plaintiff's First Amedned Petition

[] Not executed. The diligence use in finding defendant being _____

[] Information received as to the whereabouts of defendant being _____

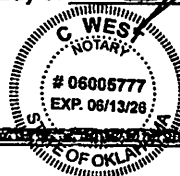
Service Fee: \$ N/A	Sheriff/Constable
	County, Texas
Service ID No.	David Daniels Deputy/Authorized Person

VERIFICATION

On this day personally appeared David Daniels known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit and have been authorized by the Polk County Courts to serve process.

Subscribed and sworn to before me on this the 28 day of July, 20 22

** Service by Rule 106 TRC if directed by attached Court Order



Christ Notary Public

CAUSE NO. CIV22-0366

BERKLEY JACKSON	§	IN THE DISTRICT COURT OF
	§	
	§	
VS.	§	POLK COUNTY, T E X A S
	§	
	§	411TH
PATRICK ALLEN MCCORMICK	§	
TRUE GRIT TRANSPORTATION, INC.	§	281 ST JUDICIAL DISTRICT

**DEFENDANT, PATRICK ALLEN MCCORMICK'S ORIGINAL ANSWER TO
PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, PATRICK ALLEN MCCORMICK, a Defendant in the above-entitled and numbered cause, and files its Original Answer, respectfully showing unto the Court as follows:

I. GENERAL DENIAL

As authorized by **TRCP 92**, PATRICK ALLEN MCCORMICK enters a general denial of all matters pled by Plaintiff and requests that the Court require Plaintiff, BERKLEY JACKSON, to prove his charges and allegations by a preponderance of the evidence that is required by the Constitution and laws of the State of Texas.

II. JURY DEMAND

For further answer, if such be necessary, pursuant to **TRCP 216**, PATRICK ALLEN MCCORMICK hereby demands trial by jury. Any due jury fee is attached.

WHEREFORE, PREMISES CONSIDERED, Defendant, PATRICK ALLEN MCCORMICK, prays that, upon final hearing hereof, Plaintiff not recover as prayed for in Plaintiff's Original Petition, and for such other and further relief, at law or in equity, as

Defendant, PATRICK ALLEN MCCORMICK, may show himself justly entitled to receive.

Respectfully submitted,

RAMEY, CHANDLER, QUINN & ZITO, P.C.

/s/ John F. Elwood

John F. Elwood

State Bar No. 06594600

750 Bering, Suite 600

Houston, Texas 77057

Telephone: (713) 266-0074

Facsimile: (713) 266-1064

Email: jelwood@ramey-chandler.com

(Do not use this e-mail for service of documents)

Designated E-Service Email Address

The following is the designation of electronic service email address for the above attorney(s) for all electronically served documents and notices, filed and unfiled, pursuant to Tex. R. Civ. P. 21(f)(2) and 21(a): RCQZ-ESERVICE@RAMEY-CHANDLER.COM.

This is the ONLY electronic service email address for the above attorney(s), and service through any other email address will be considered invalid.

**ATTORNEYS FOR DEFENDANT,
PATRICK ALLEN MCCORMICK**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to all opposing counsel, in accordance with the rules, on the 13th day of July, 2022.

Kiernan McAlpine
DASPIT LAW FIRM
440 Louisiana Street, Suite 1400
Houston, Texas 77002
Attorney for Plaintiff

Via E-Service

/s/ John F. Elwood

John F. Elwood

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Diana Miranda on behalf of John Elwood
 Bar No. 6594600
 dmiranda@ramey-chandler.com
 Envelope ID: 66286918
 Status as of 7/14/2022 2:31 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@dasplitlaw.com	7/13/2022 2:59:20 PM	SENT
Kiernan McAlpine		kier@dasplitlaw.com	7/13/2022 2:59:20 PM	SENT
Zorica Milivojevic		Zorica@dasplitlaw.com	7/13/2022 2:59:20 PM	SENT
John Dasplit		e-service@dasplitlaw.com	7/13/2022 2:59:20 PM	SENT

Associated Case Party: PATRICK ALLEN MCCORMICK

Name	BarNumber	Email	TimestampSubmitted	Status
John F.Elwood		rcqz-eservice@ramey-chandler.com	7/13/2022 2:59:20 PM	SENT

CAUSE NO. CIV22-0366

BERKLEY JACKSON

Plaintiff,

v.

**PATRICK ALLEN MCCORMICK
TRUE GRIT TRANSPORTATION, INC**

Defendant.

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IN THE DISTRICT COURT

POLK COUNTY, TEXAS

411TH JUDICIAL DISTRICT

PLAINTIFF'S NOTICE OF NON-SUIT WITHOUT PREJUDICE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff Berkley Jackson, in the above-styled and numbered cause, by and through his attorney of records and moves the Court for an Order dismissing Defendant True Grit Transportation, Inc., in this case and in support thereof shows that Plaintiff no longer desires to prosecute suit against this Defendant.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, requests that this Court enter an Order dismissing this suit against Defendant, True Grit Transportation, Inc. without prejudice, with attorneys' fees and court costs payable by the party who incurred the same.

[Signature Block Continued On Next Page]

Respectfully submitted,

/s/ Kiernan McAlpine

Kiernan McAlpine

ATTORNEY-IN-CHARGE

State Bar Number: 24058519

Fed. Bar Number: 1132611

DASPIT LAW FIRM, PLLC

440 Louisiana Street, Suite 1400

Houston, Texas 77002

Phone: (713) 322-4878

Fax No.: (713) 587-9086

E-mail: e-service@dasplitlaw.com

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all parties and counsel of record in accordance with TEX. R. CIV. P. 21a.

Dated: July 28, 2022

/s/ Kiernan McAlpine

Kiernan McAlpine

CAUSE NO. CIV22-0366

BERKLEY JACKSON

Plaintiff,

v.

**PATRICK ALLEN MCCORMICK
TRUE GRIT TRANSPORTATION, INC**

Defendant.

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IN THE DISTRICT COURT

POLK COUNTY, TEXAS

411TH JUDICIAL DISTRICT

ORDER GRANTING PLAINTIFF'S NONSUIT WITHOUT PREJUDICE

ON THIS DAY, came on to be heard Plaintiff, Berkley Jackson's Notice of Non-Suit Without Prejudice. The Court is of the Opinion it should in all things be GRANTED.

It is, therefore, ORDERED that Plaintiff, Berkley Jackson's claims against True Grit Transportation, Inc., be DISMISSED WITHOUT PREJUDICE. The parties shall bear their own attorneys' fees and costs. Any such further relief not granted by this order is hereby denied.

Signed this _____ day of _____, 2022

JUDGE PRESIDING



BOBBYE CHRISTOPHER
POLK COUNTY DISTRICT CLERK
101 W. Mill Street, Suite 216, Livingston, TX 77351
Phone: (936) 327-6814 Fax: (936) 327-6851

NOTICE OF COURT ORDER

TRCP 306(a) & 239(a)
Family Code 6.710

To: John F. Elwood
750 Bering
Suite 600
Houston TX 77057

RE: Cause No. CIV22-0366 in the 411th District Court of Polk County, Texas.

Styled: BERKLEY JACKSON vs. TRUE TRANSPORTATION, INC.

YOU ARE HEREBY NOTIFIED that the document described below was filed with the Clerk of the District Court at 101 W. Mill Street, Suite 216, Polk County Judicial Center in Livingston, Texas and entered into the minutes of the court.

Document: **Order Granting Plaintiff's Nonsuit Without Prejudice**

Date Signed: 08/08/2022

Date Filed: 08/09/2022

Date Mailed: 8/9/2022

This order may be subject to appeal. If you are an individual (not a company), your money or property may be protected from being taken to pay this judgment. Find out more by visiting www.texaslawhelp.org/exempt-property. A copy of the order may be obtained from the clerk's office at the address above. Fees for copies are \$1.00 per page.

BOBBYE CHRISTOPHER
Polk County District Clerk

Monice Goodson
Deputy Clerk

CAUSE NO. CIV22-0366

BERKLEY JACKSON

Plaintiff,

v.

PATRICK ALLEN MCCORMICK
TRUE GRIT TRANSPORTATION, INC

Defendant.

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IN THE DISTRICT COURT

POLK COUNTY, TEXAS

411TH JUDICIAL DISTRICT

ORDER GRANTING PLAINTIFF'S NONSUIT WITHOUT PREJUDICE

ON THIS DAY, came on to be heard Plaintiff, Berkley Jackson's Notice of Non-Suit Without Prejudice. The Court is of the Opinion it should in all things be GRANTED.

It is, therefore, ORDERED that Plaintiff, Berkley Jackson's claims against True Grit Transportation, Inc., be DISMISSED WITHOUT PREJUDICE. The parties shall bear their own attorneys' fees and costs. Any such further relief not granted by this order is hereby denied.

Signed this _____ day of 8/8/2022, 2022



JUDGE PRESIDING

Filed 8/9/2022 1:41 PM
Bobbie Christopher
District Clerk
Polk County, Texas

Automated Certificate of eService

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Zorica Milivojevic on behalf of Kiernan McAlpine

Bar No. 24058519

zorica@dasplitlaw.com

Envelope ID: 66801526

Status as of 8/9/2022 1:41 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@dasplitlaw.com	7/29/2022 12:10:33 PM	SENT
Alma Lira		Alira@proactivelegal.com	7/29/2022 12:10:33 PM	SENT
Dasplit Proactive Legal		dasplit@proactivelegal.com	7/29/2022 12:10:33 PM	SENT
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John Dasplit		e-service@dasplitlaw.com	7/29/2022 12:10:33 PM	SENT

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Status as of 8/9/2022 1:41 PM CST

Associated Case Party: PATRICK ALLEN MCCORMICK

Name	BarNumber	Email	TimestampSubmitted	Status
John F.Elwood		rcqz-eservice@ramey-chandler.com	7/29/2022 12:10:33 PM	SENT

CAUSE NO. CIV22-0366

BERKLEY JACKSON	§	IN THE DISTRICT COURT OF
	§	
	§	
VS.	§	POLK COUNTY, T E X A S
	§	
	§	
PATRICK ALLEN MCCORMICK	§	
TRUE GRIT TRANSPORTATION, INC.	§	411 th JUDICIAL DISTRICT

DEFENDANT, CP AND C SERVICES INC.'S,
ORIGINAL ANSWER AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CP AND C SERVICES INC., a Defendant in the above-entitled and numbered cause, and files its Original Answer and Jury Demand, respectfully showing unto the Court as follows:

I. GENERAL DENIAL

As authorized by **TRCP 92**, CP AND C SERVICES INC. enters a general denial of all matters pled by Plaintiff and requests that the Court require Plaintiff, BERKLEY JACKSON, to prove her charges and allegations by a preponderance of the evidence that is required by the Constitution and laws of the State of Texas.

II. JURY DEMAND

For further answer, if such be necessary, pursuant to **TRCP 216**, CP AND C SERVICES INC. hereby demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant, CP AND C SERVICES INC., prays that, upon final hearing hereof, Plaintiff not recover as prayed for in Plaintiff's Petition, and for such other and further relief, at law or in equity, as Defendant, CP AND C SERVICES

INC., may show itself justly entitled to receive.

Respectfully submitted,

RAMEY, CHANDLER, QUINN & ZITO, P.C.

/s/ John F. Elwood

John F. Elwood
State Bar No. 06594600
750 Bering, Suite 600
Houston, Texas 77057
Telephone: (713) 266-0074
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Designated E-Service Email Address

The following is the designation of electronic service email address for the above attorney(s) for all electronically served documents and notices, filed and unfiled, pursuant to Tex. R. Civ. P. 21(f)(2) and 21(a):
RCQZ-ESERVICE@RAMEY-CHANDLER.COM.

This is the ONLY electronic service email address for the above attorney(s), and service through any other email address will be considered invalid.

**ATTORNEYS FOR DEFENDANTS,
PATRICK ALLEN MCCORMICK AND
CP AND C SERVICES INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to all opposing counsel, in accordance with the rules, on the 18th day of August, 2022.

Kiernan McAlpine
DASPIT LAW FIRM
440 Louisiana Street, Suite 1400
Houston, Texas 77002
Attorney for Plaintiff

Via E-Service

/s/ John F. Elwood

John F. Elwood